



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2020

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THE HONOURABLE **MR. JUSTICE M.DHANDAPANI**

W.P(MD).No.5964 of 2020

Deepalakshmi

... Petitioner

Vs.

The Commissioner,
Madurai Corporation,
Madurai.

... Respondent

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent to approve the building plan of the petitioner as per their rules and norms based on the application dated 31.03.2016.

For Petitioner : Mr.D.Rameshkumar

For Respondent : Mr.R.Murali

O R D E R

By consent, the writ petition is taken up for disposal at the admission stage itself.

2. Though the petitioner has sought for issuance of writ of mandamus to direct the respondent to approve the building plan of the petitioner as per their rules and norms, in my view, such a decision is to be taken by the respondent and in case, the petitioner is aggrieved against such any decision, it would be appropriate to approach this Court.

3. The petitioner would submit that she has already made representation on 17.06.2019 in this regard, which is said to be pending. If the said representation is directed to be disposed of within stipulated time, the ends of justice could be secured.

4. Whenever a representation is made to a statutory authority to redress the claim of the employee, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. Such an inaction would amount to dereliction of duties and thereby this Court would be justified in invoking its extraordinary powers under Article 226 of Constitution of India and thereby direct such authority to consider the representation within the stipulated time.



5. In view of the above observations, there shall be a direction to the respondent herein to consider the petitioner's representation, dated 17.06.2019, on its own merits and pass appropriate orders within a period of twelve (12) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its view with regard to the claim made by the petitioner in her representation and it is for the respondent to consider it in accordance with law.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

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/ /2020

Sub Assistant Registrar(CS)

rmk
To
The Commissioner,
Madurai Corporation, Madurai.

W.P(MD).No.5964 of 2020
24.03.2020

SMA/21/05/2020/2P/2C